

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BONA FIDE CONGLOMERATE, INC.,  
Plaintiff,  
v.  
SOURCEAMERICA,  
Defendant.

SOURCEAMERICA,  
Counterclaimant.  
v.  
BONA FIDE CONGLOMERATE, INC.  
and RUBEN LOPEZ,  
Counterdefendants.

Case No.: 3:14-cv-00751-GPC-DHB

**ORDER GRANTING MOTIONS TO  
SEAL**

[ECF Nos. 298, 302, 304]

1 Presently before the Court are three motions to seal relating to the Parties' objections  
2 to the Magistrate Judge's Report and Recommendation ("Report") (ECF No. 288)  
3 regarding Defendant SourceAmerica's *ex parte* motion: (1) to disqualify Plaintiff Bona  
4 Fide's counsel; (2) to revoke *pro hac vice* admission of Daniel J. Cragg; (3) for protective  
5 order; and (3) for expedited discovery. (ECF Nos. 296, 297.) On March 2, 2016, Plaintiff  
6 Bona Fide ("Bona Fide") filed an *ex parte* motion to file under seal an unredacted version  
7 of Plaintiff's objections to the Report. (ECF No. 298.) On March 9, 2016, Defendant  
8 SourceAmerica ("SourceAmerica") filed an *ex parte* motion to file under seal  
9 SourceAmerica's reply to Plaintiff's objections to the Report (ECF No. 302) and Bona Fide  
10 filed an *ex parte* motion for leave to file under seal Bona Fide's reply to SourceAmerica's  
11 objections to the Report (ECF No. 304.) The Parties' do not oppose each other's motions  
12 to seal.

13 Generally, there is "a strong presumption in favor of access to court records." *Foltz*  
14 *v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). However, the right  
15 to inspect judicial records "is not absolute and can be overridden given sufficiently  
16 compelling reasons for doing so." *Id.* The Ninth Circuit has "carved out an exception to  
17 the presumption of access" where a party attaches a discovery document to a nondispositive  
18 motion. *Id.* To seal documents filed with nondispositive motions, the moving party must  
19 only provide a particularized showing of good cause under Rule 26(c). *Id.* Here, the the  
20 Parties seek to seal excerpts of nondispositive motions. As such, the Court finds the "good  
21 cause" standard applies.

22 Judge Bartick previously found "good cause" to seal the transcript of the January 25,  
23 2016 hearing on SourceAmerica's motions. (ECF No. 286.) He also found "good cause"  
24 to seal paragraphs 22(a)-(b), 29(a), 42(a)-(d), 49(a) of the Declaration of Dennis Fields  
25 dated November 30, 2015 and Exhibits K, L, N, and O attached thereto, as well as Exhibits  
26 C, D, and E attached to the Declaration of Ruben Lopez dated December 16, 2015. (ECF  
27  
28

1 No. 289.) The Parties seek to seal those portions of their briefs that quote and discuss the  
2 substance of the matter sealed by Judge Bartick. The requests are narrow in scope and  
3 neither party opposes the other's sealing requests. Therefore, the Court finds good cause  
4 to grant the Parties' motions to seal.

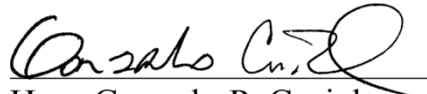
5 Accordingly, **IT IS HEREBY ORDERED:**

- 6 1) Bona Fide's ex parte motion for leave to file under seal its objections to the  
7 Report (ECF No. 298) is **GRANTED**;
- 8 2) SourceAmerica's ex parte application to file under seal its reply to the Report  
9 (ECF No. 302) is **GRANTED**; and
- 10 3) Bona Fide's ex parte motion for leave to file under seal its reply to the Report  
11 (ECF No. 304) is **GRANTED**.

12 The Clerk of Court is directed to **FILE UNDER SEAL** the documents now lodged  
13 at ECF Nos. 299, 307, and 305.

14 **IT IS SO ORDERED.**

15 Dated: August 11, 2016

16   
17 Hon. Gonzalo P. Curiel  
18 United States District Judge  
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